

1 the bankruptcy issue, and you made mention that there was
2 a 2010 bankruptcy and that there was a continuation. How
3 many bankruptcies have you truly been involved in?

4 **MR. RODRIGUEZ:** It was three.

5 **SENATOR FRANCIS:** Three.

6 **MR. RODRIGUEZ:** Three.

7 **SENATOR FRANCIS:** And again for us to really
8 move forward, we need to have all the pertinent
9 information so that an informed decision could be made.
10 And I'll tell you that it's really unfortunate that you're
11 in this predicament. And I commend you for your
12 persistence in seeing this through, because I don't know
13 if I would have the tenacity and fortitude to continue
14 doing this; putting your business out on the street and,
15 you know, your family have to endure this type of the
16 information and those type of things. But hats off to you
17 because obviously you have not done anything wrong in your
18 opinion and you truly want to move forward, is that
19 correct?

20 **MR. RODRIGUEZ:** Yes, can I answer to that.

21 **SENATOR FRANCIS:** Absolutely.

22 **MR. RODRIGUEZ:** And I glad you asked that
23 question. Senator, you know, what I'm going through
24 although it's heartbreaking and challenging, my faith and
25 my truth is what holds me on. What I'm fighting for is

1 the men -- the mothers that are out there during that
2 campaign trail who have to do two jobs just to put food on
3 their table. The mother you who can't find a good
4 educational system because of their child that may not
5 have the right tools in order to be successful in
6 education. Those are the people I'm fighting for, you
7 know.

8 There's a young man, and I don't want to call
9 his name, when I went to the political boot camp I was
10 excited, because I came back it was on Pinney Point where
11 there was Merchant Marines. And I said I'm going to come
12 back to the Virgin Islands and recruit all these guys to
13 join the Merchant Marine. I got three guys to go. The
14 one guy that I asked to go and I keep going after him,
15 right now he's in trouble, and he said Mr. Rodriguez if I
16 had only listen to you I would not have been in trouble
17 today. And so what I'm going through --

18 **THE TIMEKEEPER:** One minute thirty seconds.

19 **MR. RODRIGUEZ:** -- I am built for it, battle
20 tested. And so that's why I'm here, and that's why I am
21 fighting for the people of the Virgin Islands.

22 **SENATOR FRANCIS:** And the reality is
23 senator-elect Rodriguez is that every single member in
24 this body regardless of how we carry on with each other,
25 because it's a deliberative body, and we have to have two

1 sides, we all have the same interest in mind in terms of
2 moving the Virgin Islands forward. However, it's the
3 vehicle by which we move a lot of times. We a lot of
4 nuances even in our Code that we struggle with each and
5 every single day. Some of us just got here; others have
6 been here for quite some time and try to make the changes.
7 We have 1952 laws that we try to impact. We have
8 situations of poverty and all kind of thing that going on
9 in this community. We have a lot of work to do here. And
10 whoever is the deciding factor that makes the 15th senator
11 that's actually who I'll be working with and moving
12 forward.

13 **THE TIMEKEEPER:** Thirty seconds.

14 **SENATOR FRANCIS:** Thank you very much for your
15 responses.

16 **MR. RODRIGUEZ:** Thank you.

17 **SENATOR FRANCIS:** Thank you very much Madam
18 Chair for your time.

19 **SENATOR RIVERA-O'REILLY:** Thank you Senator
20 Francis. For -- for the record, the information that we
21 would like to receive from the Bureau of Internal Revenue
22 is limited only to the years that were filed and the dates
23 in which they were filed. So it would be similar to the
24 letter that was received by the Board except that this is
25 a year old, okay. So we're not asking for copies of your

1 tax returns and all of the personal information. Very
2 well. And that is not what was said earlier. So
3 selective hearing sometimes.

4 Mr. Rodriguez in response to my colleague, he
5 asked how many bankruptcies you filed, and you said three.
6 I have copies of four different filings one November 29,
7 2010, the other March 27, 2012; the other August 4, 2012
8 and then finally the January 25, 2016, is that correct?

9 **MS. RODRIGUEZ:** May I address that please?

10 **SENATOR RIVERA-O'REILLY:** Sure.

11 **MS. RODRIGUEZ:** Okay. There are three official
12 bankruptcies, and the one from 2012, the August one and
13 then I think you said March?

14 **SENATOR RIVERA-O'REILLY:** Right, yes.

15 **MS. RODRIGUEZ:** Okay. That bankruptcy because
16 of the bank loosing documents and not providing the
17 bankruptcy court with the proper documentation, that case
18 was put on hold, and when we filed again the number had
19 changed because of the type of bankruptcy. As far as what
20 it started as, which was a complete relinquishing of
21 property, during that time we had an audit to educate us
22 to let us know that we should not relinquish the property.
23 And so in August we filed a separate bankruptcy number and
24 that satisfied that gap in time by the mortgage company.

25 **SENATOR RIVERA-O'REILLY:** Okay. So the August

1 4, 2012 bankruptcy documents in effect replaced the March
2 27, 2012. Okay, very well.

3 Mr. Rodriguez, you were employed by HOPE,
4 Inc. --

5 **MR. RODRIGUEZ:** Yes.

6 **SENATOR RIVERA-O'REILLY:** -- that's been said
7 here --

8 **MR. RODRIGUEZ:** Yes, Senator.

9 **SENATOR RIVERA-O'REILLY:** -- broadly as a
10 consultant, at least the documents that we've reviewed
11 mentioned your name as a consultant. And in fact there
12 was a job application that you completed with the
13 Legislature for employment in which you also mentioned
14 your -- your job specs there as providing consulting
15 services.

16 Did you have a business license to work as a
17 consultant?

18 **MR. RODRIGUEZ:** No.

19 **SENATOR RIVERA-O'REILLY:** You were not required
20 to show a business license by HOPE, Inc., when they hired
21 you as a consultant?

22 **MR. RODRIGUEZ:** No. That's not the practice of
23 HOPE.

24 **SENATOR RIVERA-O'REILLY:** Okay, very well. And
25 when you worked for HOPE, Inc., did you work --

1 **MR. RODRIGUEZ:** You know, with HOPE, Inc., I
2 think we use the word consultant very loosely. It's more
3 or less is an employee that is not -- and Mr. Morales can
4 answer that question because he was a board member.

5 Although you say the word consultant it's just a title.
6 Actually you're either a full time employee or a temporary
7 employee, and that's what it is.

8 **SENATOR RIVERA-O'REILLY:** Okay. So you were a
9 part-time employee?

10 **MR. RODRIGUEZ:** Temporary employee.

11 **SENATOR RIVERA-O'REILLY:** Temporary employee and
12 did you -- did you carry out your functions for HOPE,
13 Inc., on St. Thomas in the Virgin Islands or did you work
14 remotely from Tennessee?

15 **MR. RODRIGUEZ:** No. I worked in St. Thomas
16 Virgin Islands from eight to five each day.

17 **SENATOR RIVERA-O'REILLY:** So you never worked
18 remotely from Tennessee?

19 **MR. RODRIGUEZ:** No.

20 **SENATOR RIVERA-O'REILLY:** Okay, very well. The
21 final question and then we'll go to the next speaker. You
22 had a Tennessee driver's license that expired May of 2018.
23 Based on the records that we received, which I would like
24 to make part of the record today, there was an affidavit
25 that you submitted to the Virgin Islands Bureau of Motor

1 Vehicle where you affirmed -- where you state that you
2 lost your Tennessee driver's license, and you applied for
3 a Virgin Islands license. And it appears from the records
4 received that you were issued a Virgin Islands driver's
5 license on July 19, 2016. That would be two months after
6 your nomination papers were filed, and five months after
7 your tax returns were filed, and six months after your
8 bankruptcy case in Tennessee was filed.

9 Can you share with us why you waited this long
10 to turn in your -- well to obtain a Virgin Islands
11 license?

12 **MR. RODRIGUEZ:** Well, I had a Tennessee license.
13 I didn't have car in the Virgin Islands. I may a use car
14 from time to time. As Ms. Scipio indicated, on several
15 occasions she came to pick me up if I didn't have a ride
16 and sometimes she would drop me home. So I didn't have a
17 need to change my driver's license. When I applied at the
18 Board of Election, the requirement is not a driver's
19 license. It's a birth certificate or passport for which I
20 submitted. So there was no need for me to -- I believe I
21 gave them that a copy of it, but there was no need.

22 Now when I lost my driver's license, because
23 there's reciprocity between Tennessee and the Virgin
24 Islands, I actually went down to the Motor Vehicle and see
25 if I can get, because I did have a V.I. driver's license

1 at one time I can get it. And they said no because it was
2 such an extended period of time, however, I can call
3 Tennessee get a certification that I did have a license,
4 and then they would give me a license due to the
5 reciprocity.

6 **SENATOR RIVERA-O'REILLY:** Right and you did.

7 And Tennessee --

8 **MR. RODRIGUEZ:** And that which I did.

9 **SENATOR RIVERA-O'REILLY:** Right. And Tennessee
10 issued a letter July 15th saying that your license expires
11 there on May 6, 2018.

12 **MR. RODRIGUEZ:** Yes.

13 **SENATOR RIVERA-O'REILLY:** You said that you
14 moved to the Virgin Islands on what you believe and
15 excepted to be a permanent basis when?

16 **MR. RODRIGUEZ:** I moved here January 5th, and I
17 start working January 7th.

18 **SENATOR RIVERA-O'REILLY:** Of what year?

19 **MR. RODRIGUEZ:** Of 2013.

20 **SENATOR RIVERA-O'REILLY:** 2013. Are you aware
21 though that when you have a license from another state you
22 have 90 days in which you have to turn that license over
23 and obtain a local license?

24 **MR. RODRIGUEZ:** If you're driving a car. If you
25 have a car. I don't have a car. I didn't have a car.

1 **SENATOR RIVERA-O'REILLY:** For identification
2 purposes you continued to use your Tennessee license?

3 **MR. RODRIGUEZ:** No. I used my passport.

4 **SENATOR RIVERA-O'REILLY:** Very well. Very well.

5 So we will now recognize Senator Millin-Young.
6 Senator Millin-Young for your seven minutes.

7 **SENATOR MILLIN-YOUNG:** Thank you, Madam Chair.

8 I wonder how many members in this chamber could pass the
9 muster that is being demanded of this gentlemen here. As
10 I stated from the beginning of this Session or Committee
11 of the Whole meeting, I think this is my fourth time
12 asking what is the charge before us. Charge, no vacancy,
13 and here we are. And I continue to participate, because
14 if I don't I'm not being representative. And I believe
15 this chair right here to the end needs to be filled. As
16 Senator Hansen said earlier today, our economy is
17 faltering. I know somebody said the other day something
18 about who was leading Economic Development. They say
19 people don't know how to read, but they don't know what
20 their role is because the executive branch runs this
21 place.

22 Mr. Rodriguez, since the bankruptcy case was
23 dismissed, has Tennessee contacted you about having filed
24 there?

25 **MR. RODRIGUEZ:** No.

1 **SENATOR MILLIN-YOUNG:** Do you believe anybody
2 has contacted Tennessee about what's going on here?

3 **MR. RODRIGUEZ:** Well, I heard on the public
4 street that persons may have inquired. As I believe also
5 I heard even that Ms. Ivy Moses has inquired.

6 **SENATOR MILLIN-YOUNG:** No, but I didn't mean
7 people here trying to start stuff. I meant Tennessee --

8 **MR. RODRIGUEZ:** Oh, no, no. As my discussion
9 with my attorney I haven't done anything wrong there's
10 nothing illegal, and so the case has been dismissed. And
11 so there's no reason to even -- as a matter of fact, he
12 said you know what there's no reason to dignify them with
13 an answer. Those were his words.

14 **SENATOR MILLIN-YOUNG:** And still here you are
15 still answering to those charges.

16 **MR. RODRIGUEZ:** Yes.

17 **SENATOR MILLIN-YOUNG:** And you also said that
18 you would adhere to any decision made here today by this
19 body?

20 **MR. RODRIGUEZ:** That's correct.

21 **SENATOR MILLIN-YOUNG:** And that's honorable you
22 have fought a hard fight. Like I said earlier and I'll
23 say again and will continue to say, what an injustice to
24 all involved. You and anybody who ran for the special
25 election. The voters who voted for you. The voters who

1 have come out. I don't even know if you failed today that
2 if there was another special election that people will
3 come out. People are just so disenchanted, and I don't
4 blame them.

5 Mrs. Rodriguez, I appreciate how far you have
6 gone to stand by your husband this evening. You've gone
7 further than most women I know. You have opened up your
8 life or lives as a couple, and given us so many details
9 for no good reason at all. We need to come to a
10 resolution, and we need to stop trying to embarrass
11 people. The people of the Virgin Islands can scarcely
12 take anymore. So I'm not even speaking for Mr. Rodriguez,
13 Mrs. Rodriguez or anyone else except the voting public.
14 They can't take anymore.

15 Like I said, if some people here were exposed
16 they probably wouldn't be reelected either. And I'm not
17 here to say we need to be kind to each other but be
18 truthful. The attorney, our Legal Counsel has stated
19 basically, Mr. Rodriguez you don't have say anything else,
20 because the burden, while some may not like the word, the
21 burden is not you. The burden is on the accuser. And
22 once again, there's no charge.

23 What are we doing here, and people don't want to
24 hear the question; because they don't have the answer.
25 Yes we're here because the Minority have been from

1 February asking for this to happen, sure. But you have
2 gone through a court process after court process, and you
3 haven't found the answer that will support your position
4 so you continue. I say be fair to people because this
5 here might scare others from running, and we need to
6 encourage, not discourage others to step up to lead this
7 place. I don't own this seat. I don't own this chair.
8 I'm going to be here for the rest of my life, and I want
9 to encourage others to actually aspire to sit here.

10 **THE TIMEKEEPER:** One minute thirty seconds.

11 **SENATOR MILLIN-YOUNG:** Mr. Rodriguez.

12 **MR. RODRIGUEZ:** Yes, Senator.

13 **SENATOR MILLIN-YOUNG:** It got a lot of fathers
14 out there who ain't doing what they supposed to do. And
15 for Mother's Day and Father's Day you always hear somebody
16 say oh, for all the mothers who do both jobs. And here
17 you are knowing, and you have exposed this already, your
18 wife was with someone else, and you said to yourself but
19 my children are there; and I will do what I have to do for
20 my children, and I think that is commendable. So no
21 matter what happens today, I hope you can continue to hold
22 up your head high and know you did the right thing.

23 I cannot speak for what you wrote to Tennessee.
24 That is over and done with. If people need an excuse to
25 keep you away let that be their guide. My conscience will

1 be my guide. And the fact that you met with other people
2 during the organization tell them don't start about
3 organization here tonight, okay.

4 **THE TIMEKEEPER:** Thirty seconds.

5 **SENATOR MILLIN-YOUNG:** Because there'll be other
6 rounds. Don't start. Thank you, Madam Chair.

7 **MS. RODRIGUEZ:** Thank you, Senator.

8 **SENATOR RIVERA-O'REILLY:** You are very welcome
9 Senator Millin-Young. So we go now to the other side and
10 that would be Senator Blyden.

11 **SENATOR BLYDEN:** Thank you Madam President, and
12 good evening again to the testifiers.

13 **THE TESTIFIERS:** Good evening.

14 **SENATOR BLYDEN:** Mister -- senator elect
15 Rodriguez, do you believe that the process thus far have
16 been fair to you?

17 **MR. RODRIGUEZ:** I --

18 **SENATOR BLYDEN:** As far as this body. Let me
19 rephrase that question, this body, the 32nd Legislature.

20 **MR. RODRIGUEZ:** Well, as indicated in my
21 testimony I believe and I still believe, and I'm happy
22 that we're here right now. And, you know, this is a
23 lesson learned for all of us. It's a new process, and so
24 I think we're going to grow from this, mature. We're
25 going to get mature from this. I think my biggest thing

1 is because I knew I didn't do anything wrong, and that's
2 why I keep saying it is the Legislature role to judge me,
3 and so I don't want anyone in this body to feel that
4 because I sued the Legislature that mean to take it
5 personal. Everyone has a right, has a constitutional
6 right when they feel that unjustness -- unjust has been
7 served to file to go to court, and so that what I did. So
8 I don't want this body to take it personal.

9 **SENATOR BLYDEN:** And there was a due process in
10 place, correct?

11 **MR. RODRIGUEZ:** And there was a due process in
12 place.

13 **SENATOR BLYDEN:** And that's why it has taken
14 this many months to get where we at today.

15 **MR. RODRIGUEZ:** But remember Senator, remember
16 we have had this conversations with many senators, and
17 they say once the court decide then we'll seat you. The
18 court have decided, and I still didn't get seated and that
19 was a discussion. And so, you know, we waiting for the
20 ruling of the court, that's what was said. Now if I
21 misinterpreted differently then -- but that's what I
22 thought that okay the court decide and then but, you know,
23 to God be the Glory.

24 **SENATOR BLYDEN:** Based on my understanding, I do
25 not believe the court actually made a decision in terms of

1 residency, and that's why we are still here. And they put
2 it back in our court to make that decision. That's why we
3 are this evening.

4 **MR. RODRIGUEZ:** Okay.

5 **SENATOR BLYDEN:** So it was a process, and I
6 needed everyone to understand that. Now, I know -- at any
7 time were you considered a resident of Tennessee at any
8 time?

9 **MR. RODRIGUEZ:** Yes. Well, during the time I
10 lived there I would have to be a residents now in the
11 discussion.

12 **SENATOR BLYDEN:** Very well. And you moved back
13 home in 2013, correct, January?

14 **MR. RODRIGUEZ:** January 5th, that's correct.

15 **SENATOR BLYDEN:** And you have been here ever
16 since?

17 **MR. RODRIGUEZ:** Every since.

18 **SENATOR BLYDEN:** Okay. When did your children
19 move back home in terms of them being in the Moravian
20 School I believe you stated on record?

21 **MR. RODRIGUEZ:** Well, I think in 2014 they came
22 for the summer.

23 **SENATOR BLYDEN:** Okay.

24 **MR. RODRIGUEZ:** And then I filed for custody of
25 the children, and then we had a court case. And then I

1 think like a month and a half later they were ordered to
2 go back to Tennessee because of lack of jurisdiction,
3 because the court stated that my residency was in the
4 Virgin Islands.

5 **SENATOR BLYDEN:** And you stated on the record
6 also that at the time you signed the bankruptcy documents,
7 you were basically in a rush. Would you say you were
8 emotionally distressed?

9 **MR. RODRIGUEZ:** Very much so. I mean it was so
10 bad and even financially burdened when I tell you I jumped
11 on a plane and caught a bus to Nashville, Tennessee.
12 That's to show you that my desperation, because I couldn't
13 get a flight out. And I went to the bus station --
14 actually my brother took me to the bus station, and I
15 caught a four-hour bus to Nashville, Tennessee, four hours
16 and a half.

17 **SENATOR BLYDEN:** Okay. Based on the testimonies
18 as you know even though you filed in a rush that's not an
19 excuse, but I can understand.

20 **MR. RODRIGUEZ:** And I accept that.

21 **SENATOR BLYDEN:** I can understand where you
22 coming from based on your testimony, because even though I
23 know you I never heard that before. I never heard the
24 full story before. So I only pictured what you was
25 talking about as you spoke in reference to what occurred.

1 Now, in terms of your family and you spoke in
2 reference to the damage that have done, and it cannot be
3 taken back etc., etc., with your children, and I kind of
4 understand that. But at the same time we have to all
5 understand we have to focus on the questions that was
6 posed to us in terms of the six categories that you
7 mentioned in your testimony.

8 **MR. RODRIGUEZ:** Yes.

9 **SENATOR BLYDEN:** And you went through the
10 different categories from one to six, I believe.

11 **MR. RODRIGUEZ:** Yes.

12 **SENATOR BLYDEN:** And you said you believe you
13 have not violated any of those, correct?

14 **MR. RODRIGUEZ:** That's correct.

15 **SENATOR BLYDEN:** And you have not been found
16 guilty of any of those, correct?

17 **MR. RODRIGUEZ:** Yes and I've provided supported
18 documentation also.

19 **SENATOR BLYDEN:** To that fact?

20 **MR. RODRIGUEZ:** Yes.

21 **SENATOR BLYDEN:** And -- well so that was stated
22 here this evening the bankruptcy has been dismissed --

23 **MR. RODRIGUEZ:** Yes.

24 **SENATOR BLYDEN:** Totally?

25 **MR. RODRIGUEZ:** Totally.

1 **SENATOR BLYDEN:** Very well. Mr. Morales, good
2 evening.

3 **MR. MORALES:** Good evening.

4 **SENATOR BLYDEN:** I need to ask you a question,
5 because you said something earlier that just made me say
6 hmm. You spoke in reference to being a board member, and
7 you stated that you knew that --

8 **THE TIMEKEEPER:** One minute thirty seconds.

9 **SENATOR BLYDEN:** -- a moment would come to pass.
10 It was just a matter of time. Why you had that feeling
11 that that would happen?

12 **MR. MORALES:** If you know the chemistry of both
13 parties you would understand that. One party have no
14 respect for how they speak to the employees, okay. And
15 that's where the problem lies. I experience that as even
16 as a board member, and I had to let them know I don't
17 tolerate that.

18 **SENATOR BLYDEN:** And both Ms. Scipio and
19 yourself spoke in reference to the Tennessee address and
20 having a Tennessee address on the application that was
21 filled out.

22 **MR. MORALES:** Right.

23 **SENATOR BLYDEN:** And that it was asked several
24 times to change it to St. Thomas. My question is when it
25 comes to that, I guess hopefully Ms. Moses will be able to

1 defends herself. But --

2 **THE TIMEKEEPER:** Thirty seconds.

3 **SENATOR BLYDEN:** -- as a matter of fact, this
4 happened on several occasions you stated on the record?

5 **MR. MORALES:** To my knowledge, yes.

6 **SENATOR BLYDEN:** Ms. Scipio, how long after he
7 started working there have you heard this request being
8 granted to have the address changed? Can you speak into
9 the mic, please?

10 **MS. PENN-SCIPPIO:** I heard asked her at least
11 three time.

12 **SENATOR BLYDEN:** Speak into the mic, please.

13 **MS. PENN-SCIPPIO:** I think it was a W-2 form --

14 **SENATOR BLYDEN:** Speak into the mic.

15 **MS. PENN-SCIPPIO:** -- and a few other documents.

16 **SENATOR BLYDEN:** Can you repeat your statement?
17 Your comment.

18 **MS. PENN-SCIPPIO:** I heard him asked her --

19 **THE TIMEKEEPER:** Time.

20 **MS. PENN-SCIPPIO:** -- at least three times to
21 change the address on separate documents.

22 **SENATOR NELSON:** And in closing senator-elect
23 Rodriguez, why did you request for the address to be
24 changed?

25 **MR. RODRIGUEZ:** Because I was not living in

1 Nashville, Tennessee. And as a matter of fact, Ms. Moses
2 knew my circumstance in Tennessee. So she knew I wasn't
3 living in Tennessee.

4 **SENATOR BLYDEN:** Very well. Thank you so much
5 Madam President for the time.

6 **SENATOR RIVERA-O'REILLY:** You are very welcome
7 Senator Blyden. Recognize now Senator Hansen for her
8 seven minutes.

9 **SENATOR HANSEN:** Thank you very much. Mr.
10 Rodriguez, lots has been asked about your residency in
11 Tennessee.

12 **MR. RODRIGUEZ:** Yes.

13 **SENATOR HANSEN:** I believe the Third Circuit
14 Court was very clear on what guidance we should have as a
15 Legislature as it relates to your residency. And it's
16 within our Organic Act, Revised Organic Act of 1954. Is
17 that your understanding?

18 **MR. RODRIGUEZ:** Yes, Senator.

19 **SENATOR HANSEN:** Okay. However, I believe
20 through the Congress -- the 89th Congress that was a
21 member that committed, in fact not only committed a crime
22 but convicted of a crime. Were you convicted of a crime?

23 **MR. RODRIGUEZ:** No, Senator.

24 **SENATOR HANSEN:** All right. Then the 90th
25 Congress did not want to seat that member, and it went all

1 the way to the Supreme Court. Let me ask our Chief Legal
2 Counsel if she's familiar with that case. I believe it's
3 Adam Clayton Powell case. I ain't meant to put you on the
4 spot, but I'm sure -- I'm sure you got it together. You
5 had it together since December last year.

6 **ATTORNEY THARPES:** Through the Chair to Senator
7 Hansen, yeah it was *Powell v. McCormick*, and that was a
8 1969 case. It went to the Supreme Court. What had
9 happened there is that sometime during the 89th
10 Legislature, there was an investigation on Adam Clayton
11 Powell. He was accused of thieving of the people's money
12 and embezzling --

13 **SENATOR HANSEN:** Of what?

14 **ATTORNEY THARPES:** He was accused of taking
15 public money and appropriating it to his wife and
16 different people, and to himself, and they actually found
17 that he actually committed these crimes; but he was never
18 convicted. But when the 90th Legislature began, he
19 presented his credentials to be sworn in, and they told
20 him to step aside; and they didn't -- they refused to seat
21 him. They sent it to a committee. The committee made a
22 report. They voted to exclude him as a member. And
23 basically, he ended up taking it to the Supreme Court, and
24 the Supreme Court had ruled that the -- the Legislature or
25 Congress was not authorized to refuse to seat a member who

1 met the qualifications. And they ruled that Adam Clayton
2 Powell had met the age requirement, the citizenship
3 requirement; he had met the voter requirement and the
4 residency requirement.

5 **SENATOR HANSEN:** What were -- in essence what
6 was required by law to be eligible to run and get a seat
7 in the Senate and Congress?

8 **ATTORNEY THARPES:** Yes, they could not add any
9 additional qualifications.

10 **SENATOR HANSEN:** In your opinion, because, you
11 know, I only have a few minutes left. In your opinion,
12 would that be something similar to this case? I mean
13 because I keep hearing, including now Mr. Rodriguez he
14 will accept anything. This isn't a fact that we have the
15 sole authority to judge him but even the Supreme -- not
16 the Supreme Court, the Third Circuit Court indicated it
17 also has to be within the law. It can't be because I
18 don't like you. I can't be because you playing with
19 somebody else. It can't be because you're separated from
20 your wife, and now you want to go back with your wife. It
21 can't be none of that. He had a license in or he didn't
22 have license here or in Tennessee, none of that. The only
23 one court went through the residency issue, am I correct?

24 **MR. RODRIGUEZ:** Yes, Senator.

25 **SENATOR HANSEN:** And that because I had to do my

1 homework to be fair. That was the Superior Court.

2 Counsel, help me.

3 **ATTORNEY THARPES:** Through the Chair, that was
4 the Superior Court that found that he was a resident.

5 **SENATOR HANSEN:** They found with all evidence,
6 sworn evidence that he was a resident. What we are asking
7 for is out of the box. As it relates to his character
8 whether we want to believe he's a good man or ain't a good
9 man that's left up to the voters. The voters will
10 determine that. Should you get reelected, should be a
11 member of the body it is the voters. They are the ones to
12 judge all of our characters, and we don't tell on each
13 other.

14 **THE TIMEKEEPER:** One minute thirty seconds.

15 **SENATOR HANSEN:** I made a motion to get
16 everybody tax, come forward with his. That failed. You
17 would think everybody would vote for it. They thought
18 that I would move my motion if you said 20 years back. I
19 said bring it on. We also could bring on the record where
20 if you look at when someone got pregnant, a child got
21 pregnant and get their own baby and so forth, marrying
22 them don't make it legal.

23 Right now the Attorney General say he
24 investigating monies some of us should not have taken. I
25 was not part of that. If I was part of that you'll see an

1 aggressive move. I mean who the hell we think we be.

2 Who?

3 I mean if you had hear he had rape somebody, if
4 you heard that he had kill somebody, if you heard he had
5 thief something from somebody I could understand.

6 **THE TIMEKEEPER:** Thirty seconds.

7 **SENATOR HANSEN:** But you're talking about a man
8 who saw his children being thrown out on the streets.

9 That's what we know, all know this. And let me ask the
10 question which one of you would not have gone? Which one?
11 Maybe -- your right. Maybe some of them may not do that.

12 It's true. It is scandalous. This is a circus. It's
13 nothing but a circus. We want to hide behind the Attorney
14 General. The Attorney General said clearly along with
15 your own attorney that you hired from the outside what he
16 said --

17 **THE TIMEKEEPER:** Time.

18 **SENATOR HANSEN:** -- residency can be in both
19 places, and you trying to play like you forget.

20 Thank you.

21 **SENATOR RIVERA-O'REILLY:** You're certainly
22 welcome Senator Hansen. We now will recognize Senator
23 Vialet for his seven minutes.

24 **SENATOR VIALET:** Thank you Madam Chair and good
25 night everybody. It's really sad that we had to have this

1 proceeding today, because a lot of what is being discussed
2 is just a sad testament as to what have occurred over the
3 last couple months. And I think we've been going all
4 over, all over the place. Acquisitions here, acquisitions
5 there and most of them are unfounded. And what we're
6 looking at is 6(b) under the Revise Organic Act. And what
7 we looking at specifically is whether or not you met the
8 residency requirement. We're not looking at no crime.
9 You did not commit murder, rape or anything that I'm
10 hearing about. Nobody said that. We just looking simply
11 at the residency requirement. And the only reason that
12 the discussion is taking place is because of documentation
13 that you were privy to that you signed.

14 You stated that the document, the bankruptcy
15 petition was prepared by the attorney, correct?

16 **MR. RODRIGUEZ:** That's correct, Senator.

17 **SENATOR VIALET:** And did you sign the bankruptcy
18 petition?

19 **MR. RODRIGUEZ:** Yes, Senator.

20 **SENATOR VIALET:** Did you read the first sentence
21 above your signature? *"I have examined this petition and
22 I declare under penalty of perjury that the information
23 provided is true and correct."* Did you read that
24 statement before you signed this petition?

25 **MR. RODRIGUEZ:** Senator, to my knowledge no I

1 didn't read it.

2 **SENATOR VIALET:** So you did not review the
3 petition?

4 **MR. RODRIGUEZ:** I reviewed the petition.

5 However, because we were down to the wire and we needed to
6 make sure that --

7 **SENATOR VIALET:** I understand all of that.

8 **MR. RODRIGUEZ:** Yes.

9 **SENATOR VIALET:** I understand all of that. But
10 you have a legal --

11 **MR. RODRIGUEZ:** I reviewed it. I reviewed it.

12 **SENATOR VIALET:** You have a legal document.
13 Attorney, what does that sentence mean? *"I have examined*
14 *this petition and I declare under penalty of perjury that*
15 *the information provided is true and correct."*

16 **MR. JACKSON:** I means that to the best of your
17 knowledge what you've said therein is accurate.

18 **SENATOR VIALET:** Okay. But now we have been
19 able to conclude by Mr. Rodriguez that the information
20 that was provided is not true and correct, is that true?

21 **MR. JACKSON:** A mistake has been determined.

22 **SENATOR VIALET:** So the information is not true
23 and correct?

24 **MR. JACKSON:** I would say yes that's true and
25 correct.

1 **SENATOR VIALET:** But despite the fact that the
2 information is not true and correct, perjury was not
3 committed?

4 **MR. JACKSON:** Perjury has to be intentional. It
5 cannot be by mistake.

6 **SENATOR VIALET:** So the information on this
7 petition the attorney just filled it out without
8 consulting you? So how did he get the information about
9 the St. Thomas Federal Credit Union, the house in Anna's
10 Retreat. How did he --

11 **MR. RODRIGUEZ:** Like I mentioned earlier we were
12 asked to bring our taxes and whatever outstanding bill
13 Kimberly had, and the income. That's all we were asked to
14 provide.

15 **SENATOR VIALET:** And you're stating that you
16 signed a document without reading the document, reading
17 what was contained in that document to include two
18 sentences above your signature. You did not read the line
19 that said you have lived in this -- "*you have been in this*
20 *district for more than a hundred and eighty days.*" You
21 did not read the section that states that "*you have lived*
22 *here for more than three years*" or you did not read that
23 section that speaks to perjury of the information is that
24 true and correct. Those three sections you missed?

25 **MR. RODRIGUEZ:** I reviewed it, and I may have

1 looked at it. But, you know, a light didn't come on
2 because I know that I lived in the Virgin Islands. And so
3 that's what --

4 **SENATOR VIALET:** So you decided come back
5 home --

6 **MR. RODRIGUEZ:** And the house was there so, you
7 know, was like a bell come on.

8 **SENATOR VIALET:** Okay. You decided to return to
9 the Virgin Islands in 2013?

10 **MR. RODRIGUEZ:** That's correct.

11 **SENATOR VIALET:** You decided to make -- when you
12 came back to the Virgin Islands you made that decision to
13 come back, your intention was to make the Virgin Islands
14 your permanent home again?

15 **MR. RODRIGUEZ:** Yes because my relationship
16 had --

17 **SENATOR VIALET:** I don't want to -- I don't even
18 go with relationship.

19 **MR. RODRIGUEZ:** Yes, Senator.

20 **SENATOR VIALET:** I don't want to go anywhere
21 there. When you got hired at HOPE, Inc. --

22 **MR. RODRIGUEZ:** Yes.

23 **SENATOR VIALET:** -- who filled out the 1099
24 form? Ms. Moses filled it out for you or you filled it
25 out?

1 **MR. RODRIGUEZ:** I may have filled it out.

2 **SENATOR VIALET:** Why did you put your Tennessee
3 address and not your St. Thomas address because you
4 intended to make St. Thomas your home, and you actually
5 claiming that you had dual residency. You had a home on
6 St. Thomas. You had a home that was in your name in
7 Tennessee but not a home that you had lived at. Why did
8 you not put down your Anna's Retreat home address on the
9 1099 form?

10 **MR. RODRIGUEZ:** I may have, because I mean
11 Tennessee -- I was still in Tennessee. I probably just
12 filled it out.

13 **SENATOR VIALET:** Hold up. Hold up. I want to
14 be clear because some stuff I'm just not getting clear.

15 **MR. RODRIGUEZ:** Yes.

16 **SENATOR VIALET:** You stated when you left --

17 **MR. RODRIGUEZ:** Yes.

18 **SENATOR VIALET:** -- Tennessee your intention was
19 that the Virgin Islands is going to be your home.

20 **MR. RODRIGUEZ:** That's correct.

21 **THE TIMEKEEPER:** One minute thirty seconds.

22 **SENATOR VIALET:** You have had partial ownership
23 in the property at Anna's Retreat for a number of years.
24 If St. Thomas is going to be your home, why are you
25 filling out a 1099 form and putting a Tennessee address,

1 and you have an address on St. Thomas and the job is on
2 St. Thomas?

3 **MR. RODRIGUEZ:** To be honest with you I can't --
4 I just probably just wrote it down and that was it.
5 Sometimes I don't even know my telephone number.

6 **SENATOR VIALET:** Sometimes you don't know your
7 telephone number?

8 **MR. RODRIGUEZ:** No, what I'm saying I miss -- so
9 I don't really know why I wrote that down, but I know I
10 was living in the Virgin Islands.

11 **SENATOR VIALET:** Okay. When you testified in
12 court and I really don't want to ask this question. So
13 I'll just be very brief with it. When you testified in
14 court, you said that one of the reasons why you relocated
15 was so that your children could be effectively served and
16 educated, etc., is that correct?

17 **MR. RODRIGUEZ:** No, no. Not in that context.

18 **SENATOR VIALET:** You said you went with ADD
19 terminology, and you said they'll better be served. You
20 made reference of an Individual Educational Plan. It's in
21 the transcript.

22 **THE TIMEKEEPER:** Thirty seconds.

23 **MR. RODRIGUEZ:** Yes. With that -- with that
24 conversation we had when I came back -- when I moved to
25 St. Thomas was son was only three years old.

1 **SENATOR VIALET:** Okay. I'm going to run out of
2 time.

3 **MR. RODRIGUEZ:** Okay.

4 **SENATOR VIALET:** The reason why I'm asking it,
5 you made that statement as to the basis for relocating
6 from St. Thomas. But then shortly after, you then filed
7 for custody of your children to remain in St. Thomas. And
8 then your wife filed for custody back in Tennessee, and
9 she won the case. And I'm just -- there are numerous like
10 just inconsistency that I'm not seeing clearly as to what
11 actually occurred, because at one time it well I did this
12 for this reason, and then the next time I did this for
13 this reason now. Both of the reasons are not really
14 correlating. At one time you time went away --

15 **MR. RODRIGUEZ:** Senator, I think --

16 **THE TIMEKEEPER:** Time.

17 **MR. RODRIGUEZ:** Can I answer? I think Senator
18 you may have cloud -- I think the answers probably get
19 clouded. Because what you're saying, what you're telling
20 me is that my wife never filed for custody in Tennessee.
21 I filed for custody in the Virgin Islands. My wife came
22 here to get the children. We went to the Superior Court.
23 I mentioned --

24 **SENATOR VIALET:** And she won the case.

25 **MR. RODRIGUEZ:** And she won the case. So it was

1 not in Tennessee.

2 **SENATOR VIALET:** But she filed for custody, and
3 she lived in Tennessee.

4 **MR. RODRIGUEZ:** That's -- No, she counter filed.
5 She counter filed?

6 **SENATOR VIALET:** May I conclude, Madam Chair?

7 **SENATOR RIVERA-O'REILLY:** Proceed.

8 **SENATOR VIALET:** Mr. Morales, your reference --
9 you were a board member of HOPE.

10 **MR. MORALES:** Yes.

11 **SENATOR VIALET:** So you were a board member and
12 you had no authority, no jurisdiction. You were a wasted
13 of your time, because you were a board member that saw a
14 lot of problems, but you were not able to effectuate any
15 change --

16 **MR. MORALES:** Because I tell you why. I only
17 have one vote and the rest allow Ms. Moses --

18 **SENATOR VIALET:** That's good enough. That's
19 good enough. So you resign your seat?

20 **MR. MORALES:** Yes.

21 **SENATOR VIALET:** Okay, thank you. Thank you,
22 Madam Chair.

23 **SENATOR RIVERA-O'REILLY:** You are very welcome
24 Senator Vialet. Mr. Rodriguez, just very quickly. In --
25 when you signed the petition for bankruptcy --

1 **MR. RODRIGUEZ:** Yes.

2 **SENATOR RIVERA-O'REILLY:** -- the 2016 petition
3 for bankruptcy --

4 **MR. RODRIGUEZ:** Yes, Senator.

5 **SENATOR RIVERA-O'REILLY:** I'm just curious. The
6 -- would place -- would revealing that you lived anywhere
7 else on the petition, would that have impaired your
8 ability to proceed with the bankruptcy protection request?

9 **MR. RODRIGUEZ:** No.

10 **SENATOR RIVERA-O'REILLY:** Okay, very well. In
11 May about -- that would be May 4th. May 4th this is about
12 13 days before the nomination petition papers were due,
13 you filed a complaint against Nation Star Mortgage in
14 Tennessee, and that's the whole issue about the --

15 **MR. RODRIGUEZ:** Wrongful disclosure, yes.

16 **SENATOR RIVERA-O'REILLY:** Right. And in that --
17 and in that complaint, the complaint asserts that you are
18 a legal resident of Tennessee for purposes of jurisdiction
19 and standing, but this was while you claimed to be
20 residing in the Virgin Islands. You're aware that that's
21 what the complaint asserts that you were a resident of
22 Tennessee?

23 **MR. RODRIGUEZ:** I later found that. Now that
24 bankruptcy is one bankruptcy. That was in addition to as
25 a counteraction to the bankruptcy for settlement. And so

1 it is my understanding that because the information was on
2 the bankruptcy that it transcended into the filing of the
3 lawsuit with the same information.

4 **SENATOR RIVERA-O'REILLY:** So I guess -- I guess
5 what I'm trying to ask is if in January when you signed
6 the petition in a hurry --

7 **MR. RODRIGUEZ:** Yes.

8 **SENATOR RIVERA-O'REILLY:** I understand all of,
9 you know, the dynamics of what was happening, that you
10 didn't have an opportunity to read it thoroughly, and you
11 signed it in the attempt to save your family and the
12 house.

13 **MR. RODRIGUEZ:** Yes.

14 **SENATOR RIVERA-O'REILLY:** But in May when the
15 complaint was filed, you would think that you would have
16 had more ample time to review the document and to then
17 point out to the lawyer that you were in fact not a
18 resident of Tennessee.

19 **MR. RODRIGUEZ:** Yeah. I may have reviewed it,
20 but again I didn't click and it is oversight, and so I
21 signed it. So I'm assuming that they're referencing the
22 house where the house is located, and that was an honest
23 truth about that of what happened.

24 **SENATOR RIVERA-O'REILLY:** Okay. We've been
25 talking a lot about all of the opinions that have been

1 entered by the various courts. And I'm curious to see
2 maybe if Attorney Jackson can point us to any of the
3 opinions that -- that say that Mr. Rodriguez is in fact a
4 member of the 32nd Legislature, and also any language in
5 any of the opinions that say that the Legislature, the
6 32nd Legislature must seat Mr. Rodriguez.

7 Can you tell me which of these opinions would
8 contain this language or this directive?

9 **MR. JACKSON:** Our position was always that the
10 election and certification is what made senator-elect
11 Rodriguez a senator, and the only thing left to do was to
12 have the term come into effect on January 9th of this
13 year. That an oath was not a criteria for being a
14 senator. That an oath is an internal workings of the 32nd
15 Legislature to give the members an oath so that they can
16 then begin to carry out their functions. So we've always
17 submitted that it's within the Legislature's determination
18 as to time and manner when an oath would be given.

19 **SENATOR RIVERA-O'REILLY:** Right.

20 **MR. JACKSON:** The District Court unfortunately
21 took the position that the oath was a prerequisite to
22 actually becoming a member. So we challenged that. When
23 the case went to the Third Circuit, they didn't address
24 the issue directly of the oath. They merely said that
25 come January 9th when the term came into effect, it was

1 for the Legislature to determine the qualifications of
2 their members. That would also include whether or not
3 members had to take an oath before they became members.

4 So, if you will, that would be the case that we
5 would cite you to. When the Third Circuit Court of
6 Appeals specifically states that the question of members
7 of the Legislature lies within the Legislature, not with
8 the courts. Now whatever the court said before January
9 9th is not binding, if you will, or no longer applies once
10 the Legislature takes -- their term begins then the
11 Legislature makes that determination.

12 You can only judge members. And, therefore, if
13 your judging senator-elect Rodriguez now that presupposes
14 that he 's a member, and that would suggest to us that an
15 oath is not a requirement to membership. So if I may,
16 that's how I would interpret the case.

17 **SENATOR RIVERA-O'REILLY:** Right. That's your
18 interpretation.

19 **MR. JACKSON:** Yes.

20 **SENATOR RIVERA-O'REILLY:** Okay, very well. We
21 will now move on to the next senator and that would be
22 Senator Roach for seven minutes.

23 **SENATOR ROACH:** Thank you Madam Chair.

24 Mr. Rodriguez.

25 **MR. RODRIGUEZ:** Yes, Senator.

1 **SENATOR ROACH:** Good evening. How you doing?

2 **MR. RODRIGUEZ:** I'm well, Senator.

3 **SENATOR ROACH:** Good. I keep looking at your
4 son moving through the audience. Could you tell me how
5 old he is?

6 **MR. RODRIGUEZ:** He is eight.

7 **SENATOR ROACH:** He's eight. I thought he was
8 eight. I was eight years old, I just turned eight when my
9 parents brought us to St. Thomas from St. Kitts. And for
10 a very long time, whenever my parents talked about going
11 home it wasn't like from the supermarket they were going
12 home. For a very long time whenever they talked about
13 going home, they talked about St. Kitts. And for a very
14 long time St. Kitts was home even though I was living in
15 St. Thomas.

16 Until my grandparents died, they were living in
17 St. Kitts. Until they died in 1978, St. Kitts was still
18 home. Somewhere after they died, I started to think
19 differently about St. Kitts. And I think when I went away
20 to school in 1979, and I started to talk about going home
21 then home became St. Thomas. I was probably about 19 at
22 the time. And I have to tell you that it has been
23 bothering me a little bit. Not that it affects me and my
24 ability to do my job. But it is has bothered me a little
25 bit to sit and to think about whether I should be telling

1 somebody born in St. Thomas that they can't represent
2 their island. That has been bothering me. And it's not
3 that I have an issue with qualifications and judging them
4 or evaluating them. But in my core that has been on my
5 mind.

6 Now, I know what it's like to loose an election.
7 I lost two. And I know what it's like to win an election,
8 and when I won the first time and my campaign headquarters
9 was in Back Street, I had to tell my supporters to get out
10 of the street. It still had traffic coming through. They
11 were dancing in the streets, because most if not all of
12 them had been with me on that journey from 2008 when we
13 lost and 2010 when we lost, and now we're in 2012 when we
14 won. So I appreciate what Ms. Rodriguez said about what
15 it feels like when that hard work has paid off. Separate
16 and a part from all this deliberation that we're doing
17 today, and I think sometimes we miss some of
18 those nuances.

19 Now I know your brother since we going to be
20 talking. I know your brother. We went to school from
21 when I was 11. We've been going to school the same Wayne
22 Aspinall Junior High School from 11, and we graduated in
23 the same class of the Charlotte Amalie High School. And
24 then we knew you as Michael's little brother, right?

25 **MR. RODRIGUEZ:** Yes.